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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,612	07/05/2001	Norman Mohi	01/106	4061
7590 01/26/2005 Lawrence S. Cohen 10960 Wilshire Boulevard, Suite 1220 Los Angeles, CA 90024			EXAMINER DAGOSTA, STEPHEN M	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/899,612	MOHI, NORMAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Stephen M. D'Agosta	2683	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-88 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 7-16, 20-25, 33-40, 43-47, 49-53 and 58-74 is/are allowed.
- 6) ☒ Claim(s) 4, 5, 17, 26-30, 32, 41, 42, 48, 54-56 and 75-88 is/are rejected.
- 7) ☒ Claim(s) 6, 18-19, 31 and 57 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claims 1-88 have been considered but are moot in view of the new ground(s) of rejection.

1. The amendment overcomes the examiner's USC 112 rejection for claim 1.
2. The examiner notes that claim 9 is labeled as "cancelled" which he believes is incorrect and should read "currently amended".
3. Based on the amendment, claims 1-3, 7-16, 20-25, 33-40, 43-47, 49-53, 58-74 are allowed, claims 6, 18-19, 31 and 57 are objected to and claims 4-5, 17, 26-30, 32, 41-42, 48, 54-56 and 75-88 are rejected.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 4-5, 26-29, 32, 57, 75-79, 81, 85 and 87-88** rejected under 35

U.S.C. 102(e) as being anticipated by Mohan US 6,121,922 (hereafter Mohan).

As per claims 4, 32 and 75, Mohan teaches a system for locating on demand a rover unit relative to a mobile controller unit (title, abstract and C6, L62 to C7, L17) comprising;

a mobile controller unit comprising a radio positioning receiver (figure 4, #330 and #360);

a radio communications module and a control system including a specially programmed computer for sending instructions to a rover unit and for processing data received from it's own and a rover's radio positioning module and equipped to obtain its

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heading (abstract's last sentence teaches that a remote location, eg. the mobile controller, can send instructions to the rover and request that it transmit its location back to the mobile controller) ;

at least one rover unit having a radio positioning module (figure 1, #520),  
a radio communications module (#540);  
a control system for receiving instructions from a mobile controller unit (#515),  
for sending data to a mobile controller unit whereby the controller is able to display and process its own position and heading data and position data of the rover and display on a display associated with the controller a bearing line to the rover relative to the heading and position of the controller (figure 4, #350 and C6, L62 to C7, L17. The examiner also points to C6, L15-42 which teaches both mobile rover and controller units and calculating the position of each relative to each other, which reads on the claim. Figure 4 also shows #352 a bearing arrow/line for relative position and bearing between mobile rover and controller units).

Also disclosed are:

a cellular telephone module (#320);  
a GPS receiver/processor module (#360);  
a specially programmed computer (#330);  
a display (#334);  
a power source (see "battery" under #330);  
a rover unit (figure 1) comprising:  
a cellular/satellite telephone module (#540 – note that Mohan discloses use of cellular communications for tracking/monitoring which reads on a cellular satellite system. Also see figure 4 which labels the antenna for #320 as connecting to a "cellular satellite network");  
a GPS receiver/processor module (#520);  
a specially programmed computer (#515);

As per claim 5, Mohan teaches the system of Claim 4 in which the radio positioning module is a GPS module (figure 1, #520 and figure 4, #360).

As per claims 26, 57 and 76-78, 81, 85 and 87-88, Mohan teaches claim 4 wherein the controller unit is equipped to obtain and calculate its heading from information from a radio position source (figures 4-5 show positioning and GPS, also see C6, L15-42. Also see L62 to C7, L17 teaches the system can display the mobile controller in relation to the rover while figure 4, #350 shows the rover (#352) in relation to the mobile controller and it's relative bearing, see upper right and lower left portion of #350 which gives a "digital compass heading").

As per claims 27-29 and 79, Mohan teaches claim 4 wherein the controller and rover use a common set of radio positioning systems (figure 5 shows both using GPS and C6, L15-42. (figure 5 shows the tracking unit #400 and locating unit #420 in communication with at least one common GPS satellite #402 – the examiner notes that the units will receive GPS data from any GPS satellites that are in view to both).

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As per claim 48, Mohan teaches claim 4 in which the controller unit is equipped with a compass to provide heading of the controller unit and to allow display of relative bearing to the rover (C6, L62 to C7, L17 teaches the system can display the mobile controller in relation to the rover while figure 4, #350 shows the rover (#352) in relation to the mobile controller and it's relative bearing, see upper right and lower left portion of #350 which gives a "digital compass heading").

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 56 and 84 rejected under 35 U.S.C. 103(a) as being unpatentable over Mohan.

As per claims 56 and 84, Mohan is **silent on** an audible announcement.

The examiner takes **Official Notice** that one skilled in the art knows there are prior art systems that provide an audible/voice announcement of "data" which is required by the user.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Mohan, such that an audible announcement is supported, to provide means for the user to hear audibly information relating to the distance, bearing, height, etc. of the rover without having to look at a display.

Claims 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Mohan and further in view of Darnell et al. US 5,043,736 (hereafter Darnell).

As per claim 17, Mohan teaches a method (figure 3) for locating a rover unit from a mobile controller unit in which the rover unit and the controller unit have radio communication capability between them such that the controller unit may upon query obtain information from the rover unit (last sentence of abstract) and

each of the controller unit and the rover unit has a radio positioning module for obtaining radio positioning information such that radio position information of the rover unit will upon query be sent to the mobile controller unit (figure 5 shows tracked/tracking

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units using GPS and Abstract teaches query sent and tracked unit sending location data) and,

in which the mobile controller unit can process the radio position information to provide relative spatial relationship of the mobile control unit to the rover unit with periodic updates and displaying on one or more display associated with the mobile controller as selected by the user, (C6, L62 to C7, L17 and figure 4, #350).

A bearing line showing location of the to rover unit relative to the mobile controller unit and identification data representing the rover unit (figure 4, #352 shows the "rover" and an arrow-like representation which is interpreted as showing the direction of the rover relative to the position and heading of the mobile controller which would be at the middle of the X-Y coordinate map shown), and the controller unit which has means to obtain its heading and determining the bearing from the mobile controller unit to the rover unit relative to the heading and position of the mobile controller (C6, L15-42)

**but is silent on** a map showing the location of both the mobile controlled unit and the rover unit.

While Mohan does show a high-level map (figure 5 that locates both the tracked and locating units, #400 and #420 respectively), he does not explicitly say that the system provides this capability (eg. it appears to be used more for explaining how the system works rather than teaching it's capability), hence the examiner concludes that Mohan is silent on this limitation.

Darnell teaches a position locating system (title and abstract) that displays the location of a roving unit on a display map (figure 2). Since Mohan teaches locating both tracked and locating units, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Mohan, such that both rover and mobile controller are located on a map, to provide user-friendly navigation capability by using a map to navigate to the tracked unit.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Mohan, such that a map is used to show locations, to provide a user-friendly map-based locator system with displaying capability.

Claims 41-42, and 54-55 rejected under 35 U.S.C. 103(a) as being unpatentable over Mohan and further in view of Kass US 5,389,934 (hereafter Kass).

As per claims 41-42, 54-55 and 80, 82-3, Mohan teaches the method of Claim 4

**But is silent on**

Calculating the distance of rover unit to the mobile controller unit;

Displaying the distance;

AND speed and height;

Darnell teaches a position locating system (title and abstract) that displays the location of a roving unit on a display map (figure 2). Since Mohan teaches locating both tracked and locating units, it would have been obvious to one of ordinary skill in the art

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at the time of applicant's invention to modify Mohan, such that both rover and mobile controller are located on a map, to provide user-friendly navigation capability by using a map to navigate to the tracked unit.

Kass teaches a portable locating system (title, abstract) whereby multiple units can determine the distance (and/or altitude) between each other (C2, L43-54). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the combination of Mohan and Darnell, such that distance/altitude between rover and mobile controller is calculated, to provide information regarding how close the two units are with in three dimensions (ie. LAT, LONG and Altitude) since a user may be at a correct location but does not know how far up/down the tracked individual is, eg. if a person has been kidnapped and may be in a tall building or its basement, distance and altitude will enhance locating the individual).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Mohan, such that the distance is calculated and displayed, to provide information to the mobile controller user to understand how far away they are from the rover.

Claim 86 rejected under 35 U.S.C. 103(a) as being unpatentable over Mohan and further in view of Sheynblat US 5,831,576 (hereafter Sheynblat).

As per claim 86, Mohan teaches the method of claim 75 **ut is silent on** in which the radio positioning receivers are GPS receivers and the radio position information is GPS pseudo-range and carrier phase information and the relative spatial position is determined using the information from commonly tracked satellites.

While the applicant states in their specification that the use of pseudo-range and carrier phase information is implemented using "known techniques with GPS" (specification page 5, L14-27), the examiner puts forth **Sheynblat** who teaches a GPS receiver that uses conventional pseudorange and carrier phase measurements to provide a directional indicator (C3, L13-15).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Mohan, such that pseudorange and carrier phase measurements are used to provide means for receiving said data from a GPS satellite and using it for positioning functions.

### ***Allowable Subject Matter***

1. Claims 1-3, 7-16, 20-25, 33-40, 43-47, 49-53, 58-74 are allowed.
2. Claims 6, 18-19, 31 and 57 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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